

Application No.: 09/533,148
Attorney Docket No. 99-313

REMARKS

In the Final Office Action, the Examiner alleged that new claims 26-31 are directed to an invention that is "independent or distinct from the invention originally claimed." As a result, the Examiner regarded claims 1-25 as having been constructively elected for prosecution by Applicant, and withdrew claims 26-31 from consideration as being directed to a non-elected invention. Applicant affirms the election of claims 1-25 by this reply, with traverse.

Applicant respectfully disagrees with the restriction requirement. Applicant notes that while independent claim 26 recites a "method for determining an identity of a network device," claim 1, for example, includes, among other things, a step for "determining an identity of a network device." Independent claims 7, 8, 14, 20, 22, and 24, while of differing scopes, include recitations similar to that of claim 1. Claims 2-6, 9-13, 15-19, 21, 23, and 25 depend from one of claims 1, 7, 8, 14, 20, and 22, and claims 27-31 depend from claim 26. Accordingly, the restriction requirement is improper for at least this reason.

The Examiner rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by Feldmann (U.S. Patent Publication No. US 2002/0021675 A1). Applicant respectfully traverses the rejection for the following reasons.

To properly anticipate Applicant's claimed invention, the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described, or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2121 (8th ed., Aug. 2001), *quoting*

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Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131 (8th ed. 2001), p. 2100-69.

Claim 1 recites a "method for analyzing a data network having a plurality of routers" comprising, among other things, "accessing at least one of static routing information and route summarization information, determining if a particular network prefix is included in the accessed information, and determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix." Feldmann does not disclose at least these features of Applicant's claimed invention.

In contrast, Feldmann discloses a network-wide view of topology and configuration information in a packet-switched network. In particular, Feldmann discloses an abstract data model that comprises information relating to connectivity, addressing, and routing in the network. This data model is disclosed as being populated from various network information sources including router configuration files.

Regarding the step "determining if a particular network prefix is included in the accessed information," the Examiner alleges that Feldmann discloses populating a data model from a number of network information sources, such as extracting information from a collection of router configuration files and where each section of the configuration file is read and parsed in a pre-specified order reflecting the dependencies within a single configuration file and across multiple configuration files (See Final Office Action, page 3). The Examiner further alleges that Feldmann teaches constructing a forwarding table that consists of information combined from intradomain routing protocol

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information such as OSPF and interdomain reachability information from static routes and BGP. While Feldmann discloses populating a data model and retrieving information by accessing multiple sources of information, Feldmann does not disclose at least "determining if a particular network prefix is included in the accessed information," as recited in claim 1.

In particular, the Examiner alleges Feldmann discloses that a router combines information from various sources to construct a forwarding table that is used to select a next-hop interface for packets arriving at the interface (Final Office Action, page 4). Although this teaching of Feldmann suggests determining if a next-hop interface is included in a forwarding table, it does not teach "determining if a particular network prefix is included in the accessed information," as recited in claim 1. Therefore, for at least this reason, the Examiner should withdraw the rejection and allow claim 1.

Additionally, Feldmann does not disclose at least "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1. The Examiner alleges this element is taught by Feldmann because Feldmann teaches that neighboring routers exchange traffic over links and each link is identified by an IP prefix, and each participating interface has a unique IP address associated with its prefix (Final Office Action, page 6). However, this allegation nevertheless does not establish that Feldmann discloses at least "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1.

As discussed above, the Examiner has alleged that the accessed information is the forwarding table, which is maintained in the router itself. Although Feldmann may

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disclose routers exchanging traffic over links identified by IP prefixes (See paragraph 0030), Feldmann does not disclose at least "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1. Therefore, for at least this additional reason, the Examiner should withdraw the rejection and allow claim 1.

Independent claims 7, 8, and 14 include similar recitations to that of claim 1. Applicant respectfully submits that independent claims 7, 8, and 14 are allowable over Feldmann for at least the reasons discussed above in relation to claim 1. Applicant further submits that claims 2-6, 9-13, and 15-19, which depend from Independent claims 1, 8, and 14 are allowable at least due to their dependence from their corresponding allowable independent claims.

Claim 20 recites a "method for determining an identity of a network device, the network device being associated with a network prefix," including, among other things, "accessing one or more of a border gateway protocol peering table, a static route table, an open shortest path first route summarization table, and a network topology table," "determining whether one or more of the accessed tables contains the network prefix," and "determining an identity of the network device using the accessed tables when at least one of the accessed tables is determined to contain the network prefix." Feldmann does not disclose at least these features of Applicant's claimed invention.

In the Final Office Action, the Examiner alleges that Fig. 5 discloses static routes that associate destination prefixes with a particular interface (Final Office Action, page 8). While Feldmann discloses in Fig. 5 a router section with entries for various protocols, such as OSPF, BGP, and static routes, Feldmann does not teach at least the

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step of "determining whether one or more of the accessed tables contains the network prefix." Further, Feldmann does not teach at least the step of "determining an identity of the network device using the accessed tables when at least one of the accessed tables is determined to contain the network prefix." Accordingly, Feldmann does not anticipate claim 20 for at least these reasons.

Applicant respectfully submits that independent claims 22 and 24, which include similar recitations to those of claim 20, are allowable over Feldmann for at least the reasons discussed above. Applicant further respectfully submits that claims 21, 23, and 25, which depend from Independent claims 20, 22, and 24 are allowable at least due to their dependencies. Accordingly, the Examiner should withdraw the rejection of claims 20-25 and allow the claims.

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account No. 07-2347.

Respectfully submitted,

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